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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,270	06/30/1999	IN CHEOL PARK	CU-1962-RJS	1023

7590 12/18/2001

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EXAMINER

NGUYEN, DUNG T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 12/18/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/345,270

Applicant(s)
Park et al.

Examiner
Dung Nguyen

Art Unit
2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 9, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above, claim(s) 21-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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Response to Amendment

Applicant's amendment dated 08/09/2001 has been received and entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. Claims 1-3, 9, 10 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art (APA), in view of Ota et al., US Patent No. 5,831,707, and Channin, US Patent No. 4,385,805, as stated in the previous office action.

Applicants contend that Channin does not teach the distance between the substrate being greater in length than the distance between the counter and pixel electrodes since the present invention claims a range within the broader range disclosed Channin (amendment, page 3).

Applicants also show improved performance of the invention to overcome the prima facie case of obviousness (amendment, page 4). The Examiner is not convinced by this argument since the same is true of Channin, as Applicants assert that the distance between the substrates may be

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greater in length than the distance between the electrodes (amendment, page 3). Channin also teaches the purpose of making the distance between the substrate greater than the distance between the electrodes is to improve the change in the direction of propagation of light rays passing through such a cell (see col. 3, lines 39-53 and figure 4). In other words, such improved performance of the Channin can improve wide-viewing angle in the LCD display. Therefore, such distance range in the Channin reference met the claimed range.

Accordingly, the rejection of claims 1-3, 9, 10 and 15 stand.

3. Claims 1-3, 5-7, 9, 10, 15 and 17-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over APA, in view of Ota et al., US Patent No. 5,831,707, and Hiroshi, US Patent No. 5,995,186 as stated in the previous office action.

4. Claims 4, 8, 16 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over APA, in view of Ota et al., US Patent No. 5,831,707, and Hiroshi, US Patent No. 5,995,186 , and further in view of Kondo et al., US Patent No. 6,124,915 , as stated in the previous office action.

Regarding claims 1-10, 15-20, Applicants contend that the findings of the obviousness of the claimed invention as a whole, not merely the differences between the claimed invention and the prior art (amendment, page 5). The Examiner agrees with the applicant's viewpoint and respectfully invited the Applicants to review all the cited arts which are all in the same field of endeavor, especially in the in-plane switching LCD, so that the improvement can be done by merely changed in each component in such device. In other words, the combination of the cited arts is proper.

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In response to applicant's argument that there is no suggestion to combine the references (amendment, page 6), the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, in each combination, the teaching, suggestion, or motivation is clearly shown in the previous office action such as Channin teaches the increase of the change in the direction of propagation of light rays (col. 3, lines 39-53), Hiroshi teaches the benefit of achieving of the irregularities in the electric field (col. 4, lines 16-19) and improving picture quality (col. 4, line 41), Kondo et al. teach the increase level of transmission factor and lightness of the bright state in an LCD device (col.9, lines 24-26).

Accordingly, the rejection of the above claims stand.

5. Claims 11-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over APA, in view of Ota et al., US Patent No. 5,831,707, and Hiroshi, US Patent No. 5,995,186 and further in view of Lee et al., US Patent No. 5,886,762 , as stated in the previous office action.

Applicants assert that Lee et al. is not a proper prior art reference under §103 (amendment, page 7). The Examiner respectfully disagrees with the applicant's viewpoint. Both Application and Lee might have a common assignee, Hyundai Electronics Industries Co.; however, the filling date of the Application is prior November 29, 1999 (see the first O.G Notice,

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1233 OG54 (April 11, 2000)). Therefore, Lee et al. is ~~not~~ a proper prior art reference under 35 U.S.C §103.

Accordingly, the rejection of claims 11-14 stand.

Response to Arguments

6. Applicant's arguments filed 08/09/2001 have been fully considered but they are not persuasive as noted in the above rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 746-7730.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.


TOANTON
PRIMARY EXAMINER

DN
12/17/2001